

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL P. RAINERI,

Defendants.

NO. CR24-218 RSM

PROTECTIVE ORDER

This matter, having come to the Court's attention on the government's motion for entry of a discovery protective order, and the Court, having considered the motion, and being fully advised in this matter, hereby enters the following PROTECTIVE ORDER:

1. **Protected Material.** For purposes of this Order, "Protected Material" shall include defendant and witness bank account records and other personal identifying information ("PII")¹ obtained during the investigation, including but not limited to

¹ "PII" includes, but is not necessarily limited to, the information identified in Fed. R. Crim. P. 49.1(a) and includes full names, dates of birth, Social Security numbers (or other identification information), financial account information (including account numbers), tax information, driver's license numbers, addresses, telephone numbers, locations of residences or employment, medical records, school records, juvenile criminal records, and other confidential information. The government has endeavored to redact PII as appropriate, but the parties acknowledge and agree that this will not always be possible, and that in some instances un-redacted PII may be necessary to either the prosecution or the defense, or both.

1 personal information about defendants and third parties (such as photographs, identifying
2 information, and contact information for family members, other defendants, and/or
3 witnesses).

4 2. Materials believed by the government to be Protected Material will be so
5 designated by the government.

6 3. **Production of Protected Material to the Defense.** The United States will
7 produce discovery, including Protected Material, to counsel for each defendant.
8 Possession of copies of the Protected Materials is limited to attorneys of record and
9 investigators, paralegals, law clerks, experts and assistants for the attorneys of record
10 (hereinafter collectively referred to as “members of the defense team”). The attorneys of
11 record are required, prior to disseminating any copies of the Protected Materials to their
12 staff or any other members of the defense team, to provide a copy of this Protective Order
13 to every staff member and member of the defense team and ensure that members of the
14 defense team are aware of the terms of this Protective Order.

15 4. **Review of Protected Material by Defendants.** The attorneys of record
16 and members of each defendant’s defense team may share and review the Protected
17 Material with their respective defendant. Defendants who are residing at the Federal
18 Detention Center (FDC) will be permitted to review the Protected Material, consistent
19 with the regulations established by the BOP, with or without their respective counsel, in a
20 controlled environment at the Federal Detention Center (FDC), but will be prohibited
21 from printing out, copying, or disseminating the discovery, or from making notes of any
22 kind on Protected Material. Defendants who are on pretrial release will be permitted to
23 review the Protected Material at the offices of their counsel, but will be prohibited from
24 printing out, copying, or disseminating the discovery. Defendants on pretrial release may
25 take notes on materials that have been designated as Protected Material, provided that any
26 notes taken on Protected Material remain in the custody of the defense team.

27 5. **Limits on Dissemination of Protected Materials.** The attorneys of record
28 and members of the defense team are prohibited from duplicating or providing copies of

1 the Protected Material to other persons, including to any defendant, unless the personal or
2 financial information contained therein belongs specifically and solely to the defendant
3 receiving the material (e.g., a defendant may be provided with the download of his own
4 cellular phone). This order does not limit employees of the United States Attorney's
5 Office for the Western District of Washington from disclosing the Protected Material to
6 members of the United States Attorney's Office, federal law enforcement agencies,
7 witnesses, and the Court and defense counsel as necessary to comply with the
8 government's discovery obligations and to investigate and prosecute the case.

9 **6. Future Production of Additional Protected Materials.** Additional types
10 of discovery items may be deemed by the parties to constitute Protected Material upon
11 agreement or (if no agreement can be reached) by further order of the Court.

12 **7. No Waiver.** Nothing in this order should be construed as imposing any
13 substantive discovery obligations on the government that are different from those
14 imposed by case law and Rule 16 of the Federal Rules of Criminal Procedure. The
15 failure to designate any materials as provided in paragraph 2 shall not constitute a waiver
16 of a party's assertion that the materials are covered by this Protective Order.

17 **8. Use of Protected Material in Court.** Any Protected Material that is filed
18 with the Court in connection with pre-trial motions, trial, or other matter before this Court
19 shall be filed under seal and shall remain sealed until otherwise ordered by this Court.
20 This does not entitle either party to seal their filings as a matter of course. The parties are
21 required to comply in all respects with the relevant local and federal rules of criminal
22 procedure pertaining to the sealing of court documents.

23 **9. Non-Termination.** The provisions of this Order shall not terminate at the
24 conclusion of this prosecution. Furthermore, at the close of this case, defense counsel
25 shall return the Protected Material, including all copies of the Protected Material, to the
26 office of the United States Attorney, or otherwise certify that the material has been
27 destroyed.
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1 10. **Violation of Order.** Any person who willfully violates this order may be
2 held in contempt of court and may be subject to monetary or other sanctions as deemed
3 appropriate by this Court.

4 11. **Modification of Order.** Nothing in this Stipulation shall prevent any party
5 from seeking modification of this Protective Order or from objecting to the improper
6 designation of discovery as Protected Material. In either event, counsel shall first confer
7 with the government to attempt to resolve the issue. If the parties are unable to resolve
8 the dispute, counsel may raise the issue with the Court by way of a motion.

9 12. **Agreement to Provide Copies of Protected Material to Defendants.**
10 Upon agreement of counsel for the government, members of a defense team may provide
11 copies of specific Protected Material, or redacted versions of such material, to a
12 defendant. When seeking the government's agreement to give such a copy to a
13 defendant, members of the defense team will identify with reasonable particularity,
14 including (where available) the specific Bates-numbered pages and or recording
15 descriptions, the specific material defense counsel proposes to give to the defendant.
16 Unless expressly stated otherwise by the government, copies of Protected Material to be
17 provided to the defendant will continue to be Protected Material subject to all of the
18 protections of the Court's Order, with the sole exception that a copy can be given only to
19 the defendant (and not shared with anyone else outside the defense team). If counsel for
20 the government and counsel for the defendant cannot reach agreement on whether
21 particular portions of the Protected Material or redacted versions of Protected
22 Material should be given to the defendant under these conditions, defense counsel may
23 raise the issue with the Court by way of a motion.

24 13. **No Ruling on Discoverability or Admissibility.** This Protective Order
25 does not constitute a ruling on the question of whether any particular material is properly
26 discoverable or admissible and does not constitute any ruling on any potential objection
27 to the discoverability of any material.
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1 14. **No Ruling on Timing of Production.** This Protective Order does not
2 require the government to provide particular discovery at a time or in a fashion
3 inconsistent with applicable law.

4 15. **Addition of Defendants after Entry of Order.** This Protective Order
5 applies to any additional defendants later charged in this case.

6 The Clerk of the Court is directed to provide a filed copy of this Protective Order
7 to all counsel of record.

8 DATED this 21st day of November 2024.

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11 RICARDO S. MARTINEZ
12 UNITED STATES DISTRICT JUDGE
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15 Presented by:

16 s/ Sanaa Nagi

17 SANAA NAGI

18 Assistant United States Attorney
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